



STATE OF WISCONSIN

Senate Journal

Ninety–Third Regular Session

10:00 A.M.

TUESDAY, March 4, 1997

The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

Senate Bill 100

Relating to: performance bonding requirements for certain contracts for public improvements or public works.

By Senators Moen, C. Potter, Rude, Wineke, Huelsman, Breske, Jauch, Buettner, Rosenzweig and Panzer; cosponsored by Representatives Musser, Springer, Huber, Harsdorf, Hahn, Reynolds, Albers, Ourada, Murat and Olsen.

To committee on **Economic Development, Housing and Government Operations.**

Senate Bill 101

Relating to: release of certain persons convicted of a misdemeanor pending appeal.

By Senators Schultz, Rude, Fitzgerald, Huelsman, Darling, Clausung, Buettner, Cowles, Zien, Weeden, Panzer and Welch; cosponsored by Representatives Albers, Musser, Freese, F. Lasee, Porter, Goetsch, Huber, Zukowski, Dobyns, Green, Sykora, Seratti, Ladwig, Owens, Kedzie, Ryba, La Fave, Hahn, Plale, Brandemuehl and Gunderson.

To committee on **Judiciary, Campaign Finance Reform and Consumer Affairs.**

Senate Bill 102

Relating to: the use of school district property by citizen associations.

By Senator Wineke; cosponsored by Representative Travis.

To committee on **Education.**

Senate Bill 103

Relating to: information received by a school official regarding the use by a pupil of alcohol or other drugs.

By Senators Rosenzweig, Grobschmidt, Huelsman, Darling, Weeden, Welch and Cowles; cosponsored by Representatives Walker, Staskunas, Jensen, Plale, Green, Ziegelbauer, Duff, Gronemus, Gard, Goetsch, Murat, Harsdorf, Hasenohrl, Lazich, Ladwig, Underheim, Albers, Kedzie, Hahn, Kelso, Musser, Sykora, Schafer, Seratti, Ward, Nass and Grothman.

To committee on **Education.**

Senate Bill 104

Relating to: exempting from income taxation the pension benefits of certain teachers who taught in other states.

By Senator Clausung; cosponsored by Representatives Harsdorf, Ryba and Kreibich.

To joint survey committee on **Tax Exemptions.**

Senate Bill 105

Relating to: use of taxes levied by a local professional baseball park district.

By Senators Wineke, Plache, Clausung, Wirch, Shibilski, Decker and Moen; cosponsored by Representatives Reynolds, Ryba, R. Potter, Baldwin, La Fave, Gronemus, Travis, Vander Loop, Hanson, R. Young and Turner.

To committee on **Economic Development, Housing and Government Operations.**

REPORT OF COMMITTEES

The committee on **Health, Human Services, Aging, Corrections, Veterans and Military Affairs** reports and recommends:

BLESSINGTON, ROBERT C., of Milwaukee, as a member of the Prison Industries Board, to serve for the term ending July 1, 1998.

Confirmation.

Ayes, 7 – Senators Moen, Breske, Moore, Wirch, Buettner, Rosenzweig and Fitzgerald.

Noes, 0 – None.

DODSON, REBECCA A., of Wausau, as a member of the Medical Examining Board, to serve for the term ending July 1, 2000.

Confirmation.

Ayes, 7 – Senators Moen, Breske, Moore, Wirch, Buettner, Rosenzweig and Fitzgerald.

Noes, 0 – None.

GROSSMAN, DR. RONALD E., of River Hills, as a member of the Medical Examining Board, to serve for the term ending July 1, 2000.

Confirmation.

Ayes, 7 – Senators Moen, Breske, Moore, Wirch, Buettner, Rosenzweig and Fitzgerald.

Noes, 0 – None.

HEINEMANN, VIRGINIA S., of Wausau, as a member of the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors, to serve for the term ending July 1, 2000.

Confirmation.

Ayes, 7 – Senators Moen, Breske, Moore, Wirch, Buettner, Rosenzweig and Fitzgerald.

Noes, 0 – None.

HEMPE, CORNELIA G., of Beloit, as a member of the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors, to serve for the term ending July 1, 2000.

Confirmation.

Ayes, 7 – Senators Moen, Breske, Moore, Wirch, Buettner, Rosenzweig and Fitzgerald.

Noes, 0 – None.

LADD, MARK A., of Racine, as a member of the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors, to serve for the term ending July 1, 1999.

Confirmation.

Ayes, 7 – Senators Moen, Breske, Moore, Wirch, Buettner, Rosenzweig and Fitzgerald.

Noes, 0 – None.

PATTERSON, MIKKI, of Madison, as a member of the Medical Examining Board, to serve for the term ending July 1, 2000.

Confirmation.

Ayes, 7 – Senators Moen, Breske, Moore, Wirch, Buettner, Rosenzweig and Fitzgerald.

Noes, 0 – None.

WILKIE, GERALD L., of Eau Claire, as a member of the Council on Domestic Abuse, to serve for the term ending July 1, 1999.

Confirmation.

Ayes, 7 – Senators Moen, Breske, Moore, Wirch, Buettner, Rosenzweig and Fitzgerald.

Noes, 0 – None.

Senate Bill 24

Relating to: requirements for a state health officer.

Senate amendment 1 adoption.

Ayes, 5 – Senators Moen, Breske, Moore, Wirch and Buettner.

Noes, 2 – Senators Rosenzweig and Fitzgerald.

Passage as amended.

Ayes, 4 – Senators Moen, Breske, Moore and Wirch.

Noes, 3 – Senators Buettner, Rosenzweig and Fitzgerald.

Rodney Moen
Chairperson

PETITIONS AND COMMUNICATIONS

State of Wisconsin Department of Public Instruction

March 1, 1997

The Honorable, The Senate:

Wisconsin School Laws included the following provision in Section 115.45(6)(b) & (c):

SECTION 115.45 Grants for preschool to grade 5 programs.

(6) The state superintendent shall:

(b) By March 1, 1986, and annually thereafter, submit to the joint committee on finance and the chief clerk of each house of the legislature, for distribution to the appropriate standing committees under s. 13.172(3), a budget report detailing the grants he or she intends to award under this section in the next fiscal year. The report shall provide summary data on the results of the annual testing required under sub. (4)(b) and include a description of the guidelines used to determine the individual schools and private service providers that will receive funds under this section and the types of expenditures eligible for such funds.

(c) Annually submit to the legislature under s.13.172(2) a report on the academic progress made by pupils enrolled in preschool to grade 5 programs under this section.

This is to inform you that all Preschool to grade 5 Evaluation Reports are contained herein. A report on the academic progress for all schools funded by the Preschool to Grade 5 Program Grant is also enclosed.

Sincerely,

JOHN T. BENSON
State Superintendent

Referred to committee on **Education.**

State of Wisconsin Department of Revenue

February 25, 1997

The Honorable, The Legislature:

Included with this correspondence, I am submitting the quarterly reports of the Wisconsin Lottery for the quarters ending September 30, 1996 and December 31, 1996. As required by s.565.37(3), Wis. Stats., the attached materials contain Wisconsin Lottery year to date sales and financial information.

If you have any questions or comments regarding this report, please do not hesitate to contact me at (608)266-6466.

Sincerely,

CATE ZEUSKE
Secretary

State of Wisconsin Department of Workforce Development

February 20, 1997

The Honorable, The Legislature:

Pursuant to Chapter 109 of Wisconsin Statutes I hereby submit the department's 1996 annual report on business closings and/or mass layoffs to you. This report lists all businesses which notified the department in 1996 of planned closings/mass layoffs and complaints the department received of alleged notification violations. The report indicates the businesses involved, location, date complaint received, determination issued and disposition of each case. Beyond complaints filed in 1996, the list updates the disposition of cases pending at the end of 1995 and also lists cases filed early in 1997.

One case filed with the department in 1994 remained open through 1996. That case in Con-Agra, Inc. formerly doing business as Northern States Beef in Edgar, Wisconsin. The department had completed its investigation of this matter in 1994 and referred the matter to the Department of Justice for litigation. On November 1, 1996 the circuit court in Marathon County issued its final ruling in this case awarding approximately 346 employees a total penalty wage (plus interest) of \$985,000.00 and also ordered the employer to pay the state a \$30,000.00 surcharge. These payments have been received by the department and nearly all of the penalty wages have been distributed to the appropriate parties at this time.

Five 1995 complaints remained under investigation at the beginning of 1996. In four of these cases, the department

concluded the employer had not violated Wisconsin's notification requirements. In the fifth case, the department determined the business violated the law and referred the matter to the Department of Justice for litigation to collect the penalty wages found due.

The department received twenty-one plant closing complaints in 1996. The department determined eleven of these complaints did not involve violations and two involved violations of the law. The remaining eight complaints remain under investigation at this time.

Should you have any questions regarding the information in this report, please contact me immediately.

Sincerely,

LINDA STEWART
Secretary

**State of Wisconsin
Ethics Board**

Marc 4, 1997

To the Honorable the Senate:

At the direction of s. 13.685(7), *Wisconsin Statutes*, I am furnishing you with the names of organizations recently registered with the Ethics Board that employ one or more individuals to affect state legislation or administrative rules, and notifying you of changes in the Ethics Board's records of licensed lobbyists and their employers. For each recently registered organization I have included the organization's description of the general area of legislative or administrative action that it attempts to influence and the name of each licensed lobbyist that the organization has authorized to act on its behalf.

Organizations recently registered:

Below are the names of organizations recently registered with the Ethics Board as employing one or more individuals to affect state legislation or administrative rules.

Landscape Federation, Wisconsin

Subject(s): The Federation is interested in the operations of State-owned nurseries, government competition as well as pesticide usage and limitations, tax exemptions provided to agricultural (horticultural) entities and all bills and proposed rules relating to small business or the "green" industry.

Christianson, Peter

Phillips, Joe

Leaf Tobacco Dealers & Growers Assn, Wisconsin

Subject(s): Any legislative or administrative action pertaining to farmers or the regulation of tobacco.

O'Connor, Alice

Onsite Waste Disposal Assn, Wisconsin

Subject(s): We are interested in any state code that pertains to private onsite or large scale septic systems and any agency that deals with these codes.

Essie, Patrick

Teachers, Wisconsin Federation of

Subject(s): Education, Health; Social Services; State Government; Taxation; Trust Funds; Employment Relations; Personnel Commission; Public Defenders Board; DPI; UW System; Voc Tech & Adult Education Board.

Braithwaite, Mary

Muzik, Edward

Opin, Kenneth

Plaisted, Mike

Taranto, Mindy

Timber Producers Assn of Michigan & Wisconsin, Inc

Subject(s): All areas impacting on the Forest Products industry including initiatives relating to property owner rights, taxation and use of state forests.

Gerlach, Chester

Upper Mississippi Waterway Assn

Subject(s): Any legislation or administrative rules which affect the economic, commercial and agricultural interests of the upper Mississippi valley.

Fassbender, Robert I.

Osborne, Patrick

Water Well Assn, Wisconsin

Subject(s): Legislation and rules affecting the construction of wells, licensing or registration of individuals engaged in the business, ground water protection and issues which affect land use policies that impact rural development. The association monitors legislation affecting weight limits and hours of operations for individuals driving drilling rigs.

Robinson, John

Organization's authorization of additional lobbyists:

The following organizations previously registered with the Ethics Board have authorized to act on their behalf these additional licensed lobbyists:

District Attorneys Assn Inc Wisconsin

Wiswell, Sr., Jeffrey

Electric Power Co, Wisconsin

Katzman, William

Milwaukee Metropolitan Sewerage District

Katzman, William

Sheriffs and Deputy Sheriffs Assn, Wisconsin

Klauser, David

Tavern League of Wisconsin

Madland, Pete

Waste Management of Wisconsin, Inc

Katzman, William

Also available from the Wisconsin Ethics Board are reports identifying the amount and value of time state agencies have spent to affect legislative action and reports of expenditures for lobbying activities filed by the organizations that employ lobbyists.

Sincerely,

R. ROTH JUDD
Executive Director

EXECUTIVE COMMUNICATIONS

**State of Wisconsin
Office of the Governor**

February 27, 1997

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint ENGELS, TOM, of Monona, as a member of the Pharmacy Internship Board, to serve for the interim term ending July 1, 2001.

Sincerely,

TOMMY G. THOMPSON
Governor

Read and referred to committee on **Health, Human Services, Aging, Corrections, Veterans and Military Affairs.**

**State of Wisconsin
Office of the Governor**

February 27, 1997

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SMITH, BILL G., of Middleton, as a member of the Prison Industries Board, to serve for the term ending May 1, 2000.

Sincerely,

TOMMY G. THOMPSON
Governor

Read and referred to committee on **Health, Human Services, Aging, Corrections, Veterans and Military Affairs**.

**REFERRALS AND RECEIPT OF
COMMITTEE REPORTS CONCERNING
PROPOSED ADMINISTRATIVE RULES**

Senate Clearinghouse Rule 96-040

Relating to the waiver of approvals, fees and other requirements of ch. 29, stats., for an educational, recreational skills activity.

Submitted by Department of Natural Resources.

Report received from Agency, February 28, 1997.

Referred to committee on **Agriculture and Environmental Resources**, March 4, 1997.

Senate Clearinghouse Rule 96-174

Relating to the Lake Superior fisheries management plan.

Submitted by Department of Natural Resources.

Report received from Agency, February 28, 1997.

Referred to committee on **Agriculture and Environmental Resources**, March 4, 1997.

Senate Clearinghouse Rule 96-177

Relating to waiver of the slow-no-wake speed restriction on the Wild Rose Mill Pond, Waushara County.

Submitted by Department of Natural Resources.

Report received from Agency, February 28, 1997.

Referred to committee on **Agriculture and Environmental Resources**, March 4, 1997.

Senate Clearinghouse Rule 96-183

Relating to the registration and regulation of agents authorized to represent funeral directors or funeral establishments in the sale or solicitation of burial agreements that are funded with the proceeds of a life insurance policy.

Submitted by Department of Regulation and Licensing.

Report received from Agency, February 25, 1997.

Referred to committee on **Economic Development, Housing and Government Operations**, March 4, 1997.

Senate Clearinghouse Rule 97-012

Relating to cost of retained counsel.

Submitted by State Public Defender.

Report received from Agency, March 3, 1997.

Referred to committee on **Judiciary, Campaign Finance Reform and Consumer Affairs**, March 4, 1997.

The committee on **Health, Human Services, Aging, Corrections, Veterans and Military Affairs** reports and recommends:

Senate Clearinghouse Rule 95-206

Relating to use of incapacitating agents and firearms by division of probation, sanctions and parole staff members.

No action taken.

Senate Clearinghouse Rule 95-217

Relating to standards of conduct.

No action taken.

Senate Clearinghouse Rule 95-235

Relating to early intervention services for children in the age group birth through 2 who are found to be developmentally delayed or to have a diagnosed condition which will likely result in developmental delay.

No action taken.

Senate Clearinghouse Rule 96-095

Relating to patient records.

No action taken.

Senate Clearinghouse Rule 96-153

Relating to a decrease in 1996-97 premium rates for the health insurance risk-sharing plan.

No action taken.

Senate Clearinghouse Rule 96-162

Relating to calibration of audiometric equipment and the use of support personnel.

No action taken.

Senate Clearinghouse Rule 96-175

Relating to stamping outgoing prisoner mail.

No action taken.

Rodney Moen
Chairperson

The committee on **Labor, Transportation and Financial Institutions** reports and recommends:

Senate Clearinghouse Rule 96-136

Relating to procedural rules concerning petition to and handling of cases by the labor and industry review commission.

No action taken.

Senate Clearinghouse Rule 96-167

Relating to deadlines to apply for death benefits payable from the Wisconsin retirement system and timing of automatic distribution of these benefits.

No action taken.

Kimberly Plache
Chairperson

**State of Wisconsin
Revisor of Statutes Bureau**

March 1, 1997

To the Honorable, the Senate:

The following rules have been published:

Clearinghouse Rules	Effective Date(s)
92-162	March 1, 1997
95-236	March 1, 1997
96- 39	March 1, 1997
96- 63	March 1, 1997
96- 75	March 1, 1997
96- 85	March 1, 1997

96- 96	March 1, 1997
96- 99	March 1, 1997
96-100	March 1, 1997
96-140	March 1, 1997
96-141	March 1, 1997

Sincerely,
GARY L. POULSON
Deputy Revisor

ADJOURNMENT

Senator Risser, with unanimous consent, asked that the Senate adjourn until Thursday, March 6 at 10:00 A.M..

Adjourned.

10:01 A.M.

LEGISLATIVE REFERENCE BUREAU CORRECTIONS

CORRECTIONS IN:

1997 ASSEMBLY JOINT RESOLUTION 25

Prepared by the Legislative Reference Bureau
(February 27, 1997)

1. Page 1, line 2: on lines 2 and 6, substitute "Alban" for "Albin".

MOTIONS UNDER SENATE RULE 98

for the Month of February 1997

A certificate of commendation by Senator Shibilski for Robert Berndt on the occasion of his retirement after 40 years of dedicated service to the Junction City Volunteer Fire Department.

A certificate of commendation by Senator Lasee for Brian Besch on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by Senator Burke for Christopher Biba on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by Senator Panzer for Christopher William Breyfogle on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by Senator Panzer for Matthew James Breyfogle on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by Senator Grobschmidt for the Council of South Side Advancement Associations, Inc. on the occasion of celebrating its 50th Anniversary.

A certificate of congratulations by Senator Chvala for Daniel P. Delorey on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by Senator Drzewiecki for Chris Dexter on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by Senator Farrow for John H. Farrow P. E. on the occasion of being selected 1996 Engineer of the Year by the Engineers and Scientists of Milwaukee Incorporated.

A certificate of commendation by Senator Chvala for the Four Lakes Council, Boy Scouts of America on the occasion of their chartered partner organizations and several hundred volunteer leaders in their 85th year of commitment and dedication to the Spirit and Ideals of Scouting.

A certificate of commendation by Senator Wirch for Doctor Kevin Fullin on the occasion of his outstanding achievements for the Kenosha Community.

A certificate of commendation by Senator Decker for Steven Geiger on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by Senator Grobschmidt for James B. Gilmore on the occasion of being honored by the Council of the South Side Advancement Associations.

A certificate of congratulations by Senator Adelman for Raymond Gorecki on the occasion of being honored by the Council of South Side Advancement Associations, Inc. for his active involvement in the Council as well as many other community organizations.

A certificate of commendation by Senator Risser for Derek Gottlieb on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by Senator Huelsman for Dick Hagemann on the occasion of being named Nashotah's 1996 Person of the Year.

A certificate of commendation by Senator Ellis for Kevin J. Kryszak on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by Senator Burke for Ryan Luebke on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by Senator Risser for Eric Lyngaas on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by Senator Burke for Kevin Masarik on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by Senator Drzewiecki for the Northeastern Association of Life Underwriters, Inc. on the occasion of their 41 years of dedicated service to the Green Bay community and the meritorious honor of receiving the Louis I. Dublin Award.

A certificate of congratulations by Senator Rosenzweig for Troy M. Olson on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by Senator Chvala for Aaron Olver on the occasion of being one of 32 American college students to be selected last year as a Rhodes Scholar.

A certificate of commendation by Senator Ellis for Mark R. Pappas on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by Senator George for Andrew P. Potos on the occasion of his retirement from WITI-TV Milwaukee.

A certificate of congratulations by Senator Rosenzweig for Matthew S. Rapp on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by Senator Wineke for David Robbins on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by Senator Farrow for Adam Reuter on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by Senator Clausen for John Sauerberg on the occasion of his retirement from the Grantsburg School District after 5 1/2 years of diligence and distinction.

A certificate of commendation by Senator Buettner for Norbert Schmidt on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by Senator Adelman for Robert L. Schultz III on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by Senator Fitzgerald for Silica Appliance and TV on the occasion of their Grand Opening in Beaver Dam and for 75 years of dedicated service.

A certificate of commendation by Senator Weeden for Dr. Rosa A. Smith on the occasion of being honored as the 1997 Wisconsin Superintendent of the Year by the Wisconsin Association of School District Administrators.

A certificate of congratulations by Senator Burke for Solomon Juneau Business High School Debate Team and the Debate Coach Terrance Falk for capturing the state debate title.

A certificate of commendation by Senator Buettner for Robert Stansbury on the occasion of his retirement from the

position of President/CEO of Lutheran Homes of Oshkosh after 11 years of dedication and outstanding service.

A certificate of commendation by Senator Panzer for Nic M. Stoffel on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by Senator Burke for James Andrew Walcheske on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by Senator Ellis for Milton Westphal on the occasion of his retirement after 30 years of dedication to the Vinland Town Mutual Company.

A certificate of commendation by Senator Lasee for Daniel Wayne Wieting on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by Senator Wirch for Kyle Wilson on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by Senator Buettner for Winneconne Student Congress for their dedication and hard work on learning the legislative process.

A certificate of congratulations by Senator Clausen for Don Winter on the occasion of his retirement from the Department of Natural Resources after 31 dedicated years.